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Item No.: 15
Date: 02 2024 APR

SANGGUNIANG PANLALAWIGAN

MAR 25 2024

PROVINCE OF LEYTE

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office

Released: *Agos*
Time: *10:00*
Date: *3.25.24*

2nd INDORSEMENT
March 18, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 01 S. 2024-2025 of the Sangguniang Bayan of Villaba, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), an exercise of the power under Section 447(3)(iii)ⁱ of the Local Government Code.

Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.

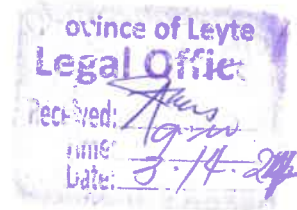
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

ⁱ (iii) Prescribe the terms and conditions under which public utilities owned by the municipality shall be operated by the municipal government or leased to private persons or entities, preferably cooperatives;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
13 March 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 01, S. 2024-2025** of the **MUNICIPALITY OF VILLABA, LEYTE**, entitled: **An Ordinance Regulating The Awarding Of Barbecue Stalls And Rentals Thereof.**


FLORINDA JILL SY UYVICO
Secretary to the Sanggunian



March 13, 2024

THE SANGGUNIANG PANLALAWIGAN MEMBERS
New Provincial Government Complex
Campetic, Palo, Leyte



Thru: **LEONARDO M. JAVIER, JR.**
Vice Governor/Presiding Officer

Hon. Sangguniang Panlalawigan Members:

We respectfully transmit herewith fifteen (15) copies of:

MUNICIPAL ORDINANCE NO. 1, S-2024-2025 - entitled: "AN ORDINANCE REGULATING THE AWARDING OF BARBECUE STALLS AND RENTAL THEREOF."

for your review and approval.

Best regards.

Very truly yours,


MC QUIRIE P. UMPAD
Secretary to the Sangguniang Bayan

Copy Furnished:

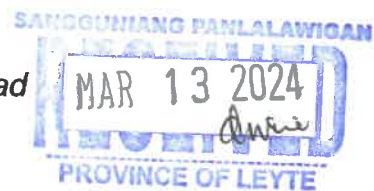
1. LOCAL CHIEF EXECUTIVE OFFICE
 2. MUNICIPAL TREASURY OFFICE
 3. MUNICIPAL ACCOUNTING OFFICE
 4. MUNICIPAL BUDGET OFFICE
- Local Government Unit
Villaba, Leyte



MUNICIPAL ORDINANCE NO. 01, S-2024-2025

AN ORDINANCE REGULATING THE AWARDING OF BARBECUE STALLS AND RENTALS THEREOF

Authored by: Sangguniang Bayan Member Meriam P. Umpad



EXPLANATORY NOTE

It is a declared policy of the Local Government Unit of Villaba to promote and improve its capabilities to deliver desired public services and ensure the safety, comfort and well-being of vendors and the buying public as well.

The Local Government Code of 1991 states that, each local government unit shall exercise its power to create its own sources of revenue and to levy fees and charges subject to the provisions of the Code which shall accrue exclusively to the local government unit consistent with the basic policy of local autonomy.

The local sanggunian was tasked by the Local Chief Executive to pass an Ordinance for the imposition of stall rights and monthly rentals in the newly constructed 12 barbeque stalls at the Villaba Public Market. Hence, the passage of this ordinance.

**CHAPTER I
GENERAL PROVISION**

SECTION 1. – TITLE. This ordinance shall be known as the “Regulation on the Awarding of Barbecue Stalls of Villaba.”

SECTION 2. – SCOPE. The ordinance shall govern all barbecue stalls owned and managed by the local government unit of Villaba.

SECTION 3. – POLICY. It is the policy of the Local Government Unit of Villaba to promote and improve its capabilities to deliver desired public services and ensure the safety, comfort and well-being of vendors and the buying public as well.

SECTION 4. – DEFINITION OF TERMS. As used in this Ordinance, the following terms are defined as follows:

DENNIS L. SY
Vice Mayor/
Presiding Officer

MERIAM P. UMPAD
Sangguniang Bayan Member

MACARIO V. ESMAS, JR.
LNB President

VIOLETA T. SUMAPIG
Sangguniang Bayan Member

ELLY MARI J. ENEVOLDSEN
Sangguniang Bayan Member

RILE CHRISTIAN G. VELOSO
SK Federation President

FELIP S. USAS, SR.
Sangguniang Bayan Member

ROGELIO J. BAA
Sangguniang Bayan Member

ERALYN D. ARAGON
Temporary Secretary to the Sangguniang Bayan

NIEL ALBERT B. INOIQUEZ
Sangguniang Bayan Member

- a. Public Market – refers to any structure building or place of any kind which have been established, designated, or authorized by the Municipal Council, whether government or privately-owned and operated dedicated to the service of the general public where basic food items and other commodities are displayed and offered for sale.
- b. Barbecue Stalls – refers to any allocated space, stand, compartment, store or any place wherein barbeque catering business product are sold.
- c. Stallholder – refers to the awardee of a definite space or spaces in relation to the barbeque stalls who pays a rental fee thereof for the purposes of selling his/her goods or commodities or service.

CHAPTER II
AWARDING OF STALLS AND CANCELLATION OF AWARDS


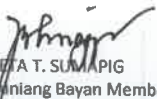



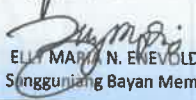




SECTION 5. – APPLICATION. Filipino citizens who are actual residents of the Municipality of Villaba shall be given preference in the award of barbecue stalls. All application to lease or rent shall be filed to the Office of the Municipal Treasurer.

An Application Fee of Five Thousand Pesos (Php 5,000.00) shall be collected from each application to cover the necessary expenses relative to the award and lease of the stall and any excess thereof shall form part of the general fund.

SECTION 6. – ASSIGNMENT OF OCCUPIED STALLS.

- a. No person shall sell, offer or expose for sale, any article or articles in any public market, within the Municipality of Villaba or use or occupy any stall without first having been assigned as such in the manner prescribed in this Ordinance.
- b. Vendors shall be assigned to their respective stalls according to the nature of the merchandise intended for sale.
- c. Dwellings in stall or any place within the market premises is strictly prohibited.
- d. No vendor shall continue to occupy the barbecue stall for failure to maintain cleanliness and sanitation in his designated area.
- e. Any person other than the stallholder or his/her partner or helpers found conducting business at the stall shall be required to pay rent in addition to the corresponding rents collected from the regular holder of lease, provided that the payment of such additional rents shall not waive the right of the market authorities to impose whatever penalties may be levied upon the lease for violation of this provisions including the revocation of lease.

SECTION 7. – PARTNERSHIP WITH STALLHOLDER. A market stallholder who enters into a business partnership with any part after he/she has acquired the right to lease such

 DENNIS L. SY Vice Mayor/ Presiding Officer	 VIOLETA T. SUMAPIG Sangguniang Bayan Member	 FELIFE S. CASAS, SR. Sangguniang Bayan Member	 NIEL ALBERT B. INOPIQUEZ Sangguniang Bayan Member
 MERIAM P. ZAMPAD Sangguniang Bayan Member	 ELYT MARY N. ENEVOLDSEN Sangguniang Bayan Member	 ROGEL O. BANT Sangguniang Bayan Member	
 MACARIO V. ESMAS, JR. LNB President	 RILE CHRISTIAN G. VELOSO SK Federation President	 ERALYN D. ARAGON Temporary Secretary to the Sangguniang Bayan	

stall shall have the authority to transfer such right to his/her partner or partners. Provided, that the partnership is registered to the Municipal Treasurer. Provided further, that in case of death or any legal disability of such stallholder to continue his/her business for a period of not more than sixty (60) days within which to wind up the business of the partnership.

SECTION 8. –PROHIBITION FOR SUBLEASING OR SELLING OF PRIVILEGE TO OCCUPY STALL. No person shall be allowed to sublease to others to whom the stall is awarded. A person, other than the stallholder found sub-leasing or selling the stall to the latter shall be prima facie evidence of subleasing and shall subject the stallholder to outright revocation of his/her lease award.


SECTION 9. –NUMBER OF STALLS TO ONE PERSON. No person shall be allowed to lease more than one stall. Provided, that it shall be a violation of this section for more than one member of a family consisting of a father, mother, sons and daughters to hold stalls unless the latter are already married and with their families of their own support or when they are already living by themselves.


SECTION 10. – DURATION OF REGULAR LEASE. Any awarded lease in any form upon approval of this Ordinance shall be five (5) years renewable contract subject to review by the Market Administrator, who will determine if the conditions of the lease/award are faithfully complied with by the stallholder/awardee during his last five (5) years preceding the contract. In case of violations, said stall shall be declared vacant and will be declared available for occupancy to any new qualified applicant.


SECTION 11. – AWARDING OF VACANT STALLS. Vacant and newly constructed stall shall be awarded in the following manner:

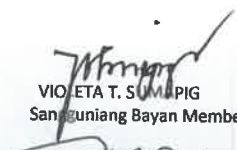
- a. Notice of vacancy shall be placed or hung above the vacant newly constructed stalls so as to advise the public that such stall or booths are available for lease. The notice shall specify the number of the stall, the section where it is located and the deadline of filing an application for occupancy. The notice shall be printed on a cardboard or any other hard materials.
- b. The notice shall remain posted for a period of not less than ten (10) days immediately preceding the date of the award.

SECTION 12. – DEATH OF LESSEE AND SUCCESSION. Upon the death of the stallholders, the stall shall be declared ipso facto vacant. However, if the deceased leaves surviving spouse or legal heir who is not qualified under the provisions of this ordinance and who desired to continue the business of the deceased, the lease may be transferred to the deceased legal heir if qualified lease stall, upon application. Provided that the Market Administrator shall be notified within a reasonable time about the desire of the heirs to succeed and upon payment of all necessary rents or fees due at the time of death of the predecessor on the stall prescribed by this ordinance.


DENNIS L. SY
Vice Mayor/
Presiding Officer


MERIAM P. JAMPAD
Sangguniang Bayan Member



MACARIO V. ESMAS, JR.
LNB President

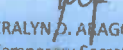

VIOLETA T. SUMALIG
Sangguniang Bayan Member



ELLY MARIA N. ENEVOLDSEN
Sangguniang Bayan Member


RILE CHRISTIAN G. VELOSO
SK Federation President


FELIPE S. CASAS, SR.
Sangguniang Bayan Member


ROMEO J. BAA
Sangguniang Bayan Member


ERALYN D. ARAGON
Temporary Secretary to the Sangguniang Bayan


NIEL ALBERT B. INOPIQUEZ
Sangguniang Bayan Member

SECTION 13. – NON-OCCUPANCY OF STALLS OR SPACES OTHER THAN LEASED TO STALLHOLDERS. No stallholder shall be allowed to occupy stall/stalls more than what is/ are awarded to his/her. The Market Administrator or his duly authorized representative shall see to it that stalls are all accounted for.

SECTION 14. – LIMITATIONS ON CONSTRUCTION AND REMOVAL OF STRUCTURES. No stallholder shall construct, repair, renovate or undertake any kind of construction of stalls without first securing a permit from the Market Administrator. Stalls constructed/repared or renovated in violations of this section may be removed or destroyed by the Market Administrator and/or his authorized representative. No lessee shall remove, construct, and alter the original structure of any stall or electrical wiring or water connection without prior permit from the Market Administrator.

SECTION 15. – EJECTED STALLHOLDERS DISQUALIFIED TO PARTICIPATE IN THE APPLICATION OF NEW STALLS. Should a stallholder be ejected from his/her stall for valid cause as provided in this Code, he/she and his/her helpers are disqualified from leasing again said stall or of any other stall in the market for a period of one (1) year.

SECTION 16. – INSURANCE. The lessee shall not take any fire insurance on properties within the leased premises without first securing a written approval from the Market Administrator through the Municipal Treasurer. Neither shall the lessee insure his properties therein for an amount beyond the value thereof.


For this purpose, the lessee shall submit beforehand an inventory of the property or goods within the leased premises to be insured, subject to the inspection, review and verification by the Municipal Government through its duly authorized representatives.

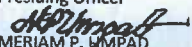
CHAPTER III MARKET STALL AND OTHER FEES

SECTION 17. – MARKET STALL AND OTHER FEES. Awardees of barbecue stall owned and operated by the Municipality shall pay the monthly fee in the amount of Seven Hundred Pesos Only (Php 700.00).

CHAPTER IV FINAL PROVISIONS

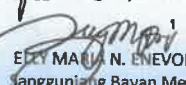
SECTION 18. – REPEALING CLAUSE. Any Ordinances which are in conflict with any provisions of this ordinance, are hereby repealed or modified accordingly.


DENNIS L. SY
Vice Mayor/
Presiding Officer


MERIAM P. JAMPAD
Sangguniang Bayan Member

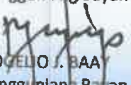

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Sangguniang Bayan Member


ERALYN D. AAGON
Temporary Secretary to the Sangguniang Bayan



NIEL ALBERT B. INOPIQUEZ
Sangguniang Bayan Member


SECTION 19. – SEPARABILITY CLAUSE. If for any reason, any section or provision of this ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.


SECTION 20. – DATE OF EFFECTIVITY. This Ordinance shall take effect upon approval.

On motion for approval by the Hon. Meriam P. Umpad, Chairman, SB Committee on Business and Economic Development, this ordinance was unanimously approved on January 22, 2024.



ERALYN D. ARAGON
Temporary Secretary to the Sanggunian


ATTESTED:

DENNIS L. SY
Vice Mayor/Presiding Officer


VIOLETA T. SUMAPIG
Sangguniang Bayan Member



MERIAM P. UMPAD
Sangguniang Bayan Member


FELIPE S. CASAS, SR.
Sangguniang Bayan Member


ELLY MARIA N. ENEVOLDSEN
Sangguniang Bayan Member


NIEL ALBERT B. INOPIQUEZ
Sangguniang Bayan Member


ROGELIO J. BAAY
Sangguniang Bayan Member


MACARIO V. ESMAS, JR.
LNB President


RILE CHRISTIAN G. VELOSO
SK Federation President

APPROVED:

ENGR. CARLOS G. VELOSO
Municipal Mayor

RECEIVED
22 FEB 2024



Republic of the Philippines
Province of Leyte

Municipality of Villaba

OFFICE OF THE SANGGUNIANG BAYAN

MINUTES OF THE PUBLIC HEARING CONDUCTED BY THE COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT HELD AT SANGGUNIANG BAYAN SESSION HALL. ON JANUARY 11, 2023 9:48 IN THE MORNING.

PRESENT:

HON. MERIAM P. UMPAD - CHAIRWOMAN OF THE COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT/PRESIDING OFFICER

MR. QUIRIE P. UMPAD - SANGGUNIANG BAYAN SECRETARY

MRS. NICETA P. CONDES - MUNICIPAL TREASURER

— See attached Attendance Sheet —

The public hearing was called to order by the Presiding Officer at exactly 9:48 in the morning.

The Hon. Meriam Umpad led the singing of the Philippine National Anthem.

Ms. Ronalyn Vallar led the prayer.

Roll call.

AGENDA

Proposed Ordinance Regulating the Awarding of Barbeque Stalls and Rentals thereof

Hon. Meriam Umpad discussed that this proposed ordinance was created with the request of the Municipal Mayor to regulate the new constructed barbeque stall in the public market that is owned by the Municipality. Since the barbeque stall that is located now in Pob. Del Norte is not permanent. Barbeque stand owners are given a consideration whether to get a new Stall at Public Market.

In addition, the said ordinance was created to promote and improve the capacity to deliver public services and to insure the safety, comfort and will being of vendors and the consumer.

Mr. Mc Quirie Umpad discussed that Filipino Citizen who are actual residents of Mun. of Villaba are given a priority in the award of Barbeque Stall. All application shall be file at Mun. Treasurer with application fee/stall right of Five Thousand Pesos (Php5,000.00).

Mr. Umpad said that, all applicants should declare/list down on what are they going to sale upon application. Dwelling in stall is strictly prohibited and the stall owner should maintain cleanliness and sanitation.

Selling of privilege to occupy stall to others is subject to outright revocation of lease award. Instead, the applicants should declare his/her partner.

Every family can have one stall unless their daughter/son are married.

The application fee/stall rights of Php5,000.00 is applicable for five (5) years renewable contract, subject for review whether the occupant follow the condition of the award during the last five years.

A notice of vacancy will be hung above the vacant stall for the public to know.

Upon the death of stall holder, the stall shall be declared vacant. However, if deceased has a legal heir the lease will be transfer to the heir and should apply to the Mun. treasurer to inform.

Mr. Umpad emphasized that stall owner are not allowed to construct, repair, renovate and undertake any kind of construction of stall without permission from Municipal Market Administration. Every end of contract the said Mun. Market Admin. Will conduct an inventory of the stall.

Hon. Umpad mention that violation of this ordinance shall be punishable by: Revocation of Lease Award and a One (1) year banned period.

Application fee/Stall rights -	Php5,000.00 (Renewable Contract)
Monthly Fee -	Php 700.00

Mrs. Necita Condes also added, that the Stall Owner should apply for a business permit.

Mrs. Dominga Rosete asked if they have they're own electric meter in every stall.


Mr. Umpad will raised that concerned to the Municipal Engineer and Electrician.

No other matter was discussed.

The Committee Hearing ended at exactly 10:36 o'clock in the morning.

SIGNED:


HON. MERIAM P. UMPAD
Chairwoman, Committee on Business and Development


HON. ELLEY MARIA N. ENEVOLDSEN
Vice Chairwoman


HON. NIEL ALBERT B. INOPIQUEZ
Member



NOTICE OF PUBLIC HEARING

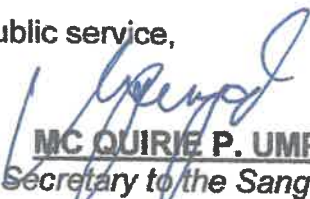
Notice is hereby given that a public hearing will be conducted by the Sangguniang Bayan Committee on Business and Economic Development, January 11, 2024 at 9:00 o'clock in the morning at the Sangguniang Bayan Session Hall, Administrative Building, Municipal Compound, this Municipality regarding the proposed ordinance authored by Sangguniang Bayan Member Meriam P. Umpad entitled:

“AN ORDINANCE REGULATING THE AWARDING OF BARBEQUE STALLS AND RENTALS THEREOF”

The Municipal Administrator's Office, Municipal Treasurer's Office, Business Permits and Licensing Officer-Designate, Market Administrator, applicants for the barbeque stalls and all other interested parties are invited to attend.

Villaba, Leyte, January 8, 2024.

In public service,


MC QUIRIE P. UMPAD
Secretary to the Sanggunian



Hermosilla Drive, District 28, Ormoc City
Contact Nos. (053) 561-0809 & 09285549820
e-mail: easternvisayasmail@gmail.com

Republic of the Philippines)
City of Ormoc)S.S.

AFFIDAVIT OF PUBLICATION

I, JIMA ZANDRA VERGARA, being first duly sworn, deposes and says: that I am the Managing Editor of the EASTERN VISAYAS MAIL, a newspaper edited and published in the City of Ormoc and circulated in the cities of Ormoc, Tacloban Maasin and Calbayog, and in the islands of Leyte, Samar and Biliran, the rest of the Visayas islands, Mindanao, Manila and Luzon;

That the publication captioned:

Republic of the Philippines
Province of Leyte
Municipality of Villaba
OFFICE OF THE SANGGUNIANG BAYAN

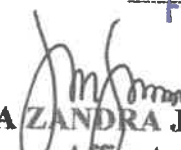
**MUNICIPAL ORDINANCE NO. 01, S-2024-2025
AN ORDINANCE REGULATING THE AWARDING OF BARBECUE STALLS AND RENTALS
THEREOF**

APPROVED:
(SGD)ENGR. CARLOS G. VELOSO
Municipal Mayor

was published in said newspaper for (1) one consecutive weeks in its EV Mail _____
EV Mail Feb. 12-18, 2024 issues.

That I am executing this affidavit to attest to the fact of the foregoing statements. Affiant further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affix my signature this 19 day of FEBRUARY, 2024 in Ormoc City.


JIMA ZANDRA J. VERGARA
Affiant

VERIFICATION FEB. 19 2024

SWORN AND SUBSCRIBED before me this _____ day of _____ with affiant exhibiting his Tax Identification Number 932-314-846-000 issued on July 9, 2016 at Ormoc City, Leyte, Philippines.

ATTY. ADELITO M. SOLISAGA JR.
Notary Public for the City of Ormoc
Municipalities of Sananga, Matag-ob,
Marida and Isabel
NE No. ORM-32-72-038-NC issued on 01/01/2023
Valid until December 31, 2024,
PTR No. 7856400, 01/03/2024, Ormoc City
IBP No. 382627, 12/31/2023, Leyte
Roll of Attorney No. 51625
TIN 207-693-130
MCLE Compliance No. VI-0014640
Valid until April 14, 2025

Doc No. : 138
Page No.: 28
Book No.: 11
Series of 20 24